THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17906 of 1998

Dated: 07.03.2007

Between:

G.Philip S/o Ananda Rao

..... PETITIONER

AND

Government of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Panchayatraj, Rural Development and Relief Department,
Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioner claims to be a landless poor person and belongs to scheduled caste. His ancestors alleged to have occupied an extent of 102 square yards of land in T.S.No.60 in Patta No.45 situated at Kakinada about 75 years prior to filing of the writ petition, and his father constructed a pucca house in the said land. He further alleges that he has obtained electricity service connection and municipal tap connection for the said house, and has been paying Municipal Tax to the Kakinada Municipality and the electricity charges. Be that as it may, during the year 1990, the third respondent tried to evict the petitioner from the said land on the ground that the said land belongs to Zilla Parishad, Kakinada (formerly District Board, Kakinanda). Therefore, he

made a representation to respondents 1 to 3 requesting them either to transfer the land by way of sale or by way of assignment of a patta. Some other persons, who have occupied the land in that locality, also made similar representations. Based on the said representations, the third respondent, through the District Development Officer, recommended to the first respondent to sell the land in favour of the claimants at the rate of Rs.50/- per square yard, vide proceedings dated 11.12.1990. Thereafter, by his proceedings dated 18.03.1998, the second respondent directed the fifth respondent to instruct the fourth respondent to issue notices to the claimants to pay an amount of Rs.800/- per square yard, whose income is above Rs.11,000/- per annum, as per G.O.Ms.No.341 Panchayat Raj and Rural Development (Part.V) Department, dated 16.09.1997. In pursuance thereof, the petitioner was served with notice, dated 27.03.1998, asking him to pay an amount of Rs.81,600/- for the extent of 102 square yards of land, which is in his occupation. Now the grievance of the petitioner is that though the second respondent, by his proceedings dated 10.04.1987, fixed the value of the land at Rs.50/- per square yard, now under the impugned notice he was directed to pay an amount of Rs.800/- per square yard. Hence, this writ petition.

Despite service of notice, respondents have not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

While issuing rule nisi on 08.09.1998, this Court directed the respondents not to dispossess the petitioner from his house on condition of the petitioner depositing a sum of Rs.300/- per square yard in respect of the land in question.

Now the learned counsel for the petitioner submits that the petitioner has deposited the said amount and the same is lying with the respondents. He further submits that the petitioner is willing for fixing the value of the land at Rs.300/- per square yard.

As the contentions put forth by the petitioner are not controverted, this Court is helpless in deciding the issue. However, as the petitioner agreed to pay an amount of Rs.300/- square yard, which had already been deposited, the respondents are directed to accept the said amount, towards sale consideration for the land in possession of the petitioner.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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07.03.2007

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